

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JOSEPH SUSTACHA,

Plaintiff,

v.

TROY EDEN et al.,

Defendants

Case No. 3:15-cv-00385-MMD-VPC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. On October 19, 2015, this Court issued an order denying the application to proceed *in forma pauperis*, without prejudice, because the application was incomplete. (Dkt. no. 3.) The Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full filing fee of \$400.00 within thirty (30) days from the date of that order.<sup>1</sup> (*Id.* at 2). The thirty-day period has now expired, and Plaintiff has not filed another application to proceed *in forma pauperis* or paid the full filing fee. On November 13, 2015, Plaintiff filed a change of address notice with the Court. (Dkt. no. 4.) On November 25, 2015, Plaintiff filed a motion to amend his complaint prior to screening. (Dkt. no. 5.)

Based on Plaintiff's recent filings it is unclear to the Court whether Plaintiff

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<sup>1</sup> Plaintiff had failed to sign the penalty of perjury page on page 3 of the application. (Dkt. no. 1 at 3; dkt. no. 3 at 1.)

1 received this Court's October 19, 2015 order. The Court grants Plaintiff thirty (30) days  
2 from the date of this order to comply with the October 19, 2015, order. If Plaintiff fails to  
3 timely file a fully complete application to proceed *in forma pauperis* or pay the full filing  
4 fee in compliance with the October 19, 2015 order, the Court will dismiss this case.

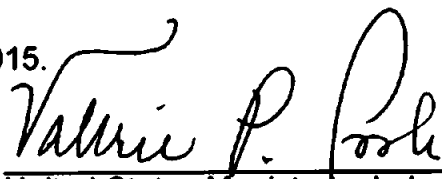
5 It is further ordered that the Clerk of the Court shall send Plaintiff a copy of the  
6 October 19, 2015 order (dkt. no. 3).

7 It is further ordered that the Clerk of the Court shall send Plaintiff the approved  
8 form application to proceed *in forma pauperis* by a prisoner, as well as the document  
9 entitled information and instructions for filing an *in forma pauperis* application.

10 It is further ordered that within thirty (30) days from the date of this order, Plaintiff  
11 shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the  
12 correct form with complete financial attachments in compliance with 28 U.S.C. §  
13 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
14 fee and the \$50 administrative fee).

15 It is further ordered that if Plaintiff does not timely comply with this order, the  
16 Court shall dismiss this case.

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18 DATED THIS 30th day of November, 2015.

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21 United States Magistrate Judge  
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